

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LAZEDRICK PLUMMER

PLAINTIFF

V.

CIVIL ACTION NO.: 3:19-cv-452HTW-LRA

CAPITAL CITY BEVERAGES, INC.

DEFENDANT

**COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW Plaintiff Lazedrick Plummer and brings this action against his former employer, Defendant, Capital City Beverages, Inc. Plaintiff is seeking monetary, declaratory relief and injunctive relief. As more specifically set forth below, Plaintiff has been subjected to disability discrimination in the terms and conditions of his employment with Defendant. The actions of the Defendant are in violation of the Americans with Disabilities Act of 1990, as amended.

THE PARTIES

1. Plaintiff, Lazedrick Plummer, is an adult male resident of Madison County, Mississippi.

2. Defendant, Capital City Beverage, Inc., is a Mississippi Corporation that may be served with process through its registered agent: Frank E. Bertucci, 12155 Intraplex Parkway, Gulfport, MS 39505.

JURISDICTION

3. This court has jurisdiction for actions that arise under the Americans With Disabilities Act of 1990 (ADA).

4. This Court has personal and subject matter jurisdiction over the Defendant and venue is proper in this Court.

5. One October 30, 2018, Plaintiff timely filed a Charge of Discrimination with the EEOC, a true and correct copy of which is attached as Exhibit "A." On March 29, 2019, the EEOC issued a Dismissal and Notice of Rights, a true and correct copy of which is attached as Exhibit "B." Plaintiff timely files this cause of action within ninety (90) days of receipt of his Dismissal and Notice of Rights.

STATEMENT OF FACTS

6. Plaintiff is a 33 -year old African American male from Madison County.

7. Plaintiff contacted the Defendant's Director of Operations, Mr. Kevin Churchill, by phone, during the summer of 2018 regarding employment.

8. During their phone conversations, Plaintiff informed Mr. Churchill that he had been involved in a car accident years prior and had suffered a knee injury as a result.

9. Nevertheless, Plaintiff assured Mr. Churchill, he was able to work.

10. Plaintiff completed an employment application and submitted it to the Defendant.

11. Around the middle of August 2018, Mr. Churchill called Plaintiff and stated, "Are you ready to work?" Plummer replied, "Yes."

12. On August 20, 2018, Plaintiff reported to work for the Defendant.

13. Plaintiff signed a W-4 form, received an Employee Handbook, and worked an entire 12-hour shift.

14. Mr. Churchill asked Plaintiff several times if he would be okay with his knee and Plaintiff assured Mr. Churchill, he was fine.

15. Plaintiff worked the entire shift and had no problems with his knee and at the end of the shift he went home.

16. The next day, when Plaintiff arrived to work, Mr. Churchill called him into his office.

17. Mr. Churchill stated he was worried about Plaintiff's knee and that he would have to let him go because of it.

18. Mr. Churchill asked Plaintiff why he had not listed his knee injury as a disability on his employment application.

19. Plaintiff responded that he had not listed it on the application because although he had applied for disability benefits related to his knee, he had been denied such benefits, and therefore was technically not disabled.

20. Despite Plaintiff's contention that he could perform the job, Mr. Churchill's perception of him as disabled led him to terminate Plummer.

21. Shortly thereafter, Plaintiff was employed by a company in Canton performing the exact same duties he had been performing for the Defendant.

22. Plaintiff began loading trucks with kitchen appliances using both stand and sit forklifts.

23. Plaintiff continues to work at this new company up to the present time.

24. Plaintiff has been wrongly discriminated against because of his perceived disability in violation of the Americans with Disabilities Act Leave Act.

CAUSES OF ACTION

COUNT I - VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990

25. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1

through 24 above as if fully incorporated herein.

26. Plaintiff has been wrongly discriminated against because of his perceived disability in violation of the Americans with Disabilities Act .

27. The Defendant violated the ADA by terminating Plaintiff.

28. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

PRAYER FOR RELIEF

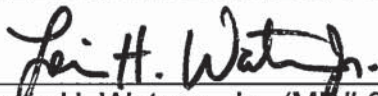
WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS that the Court cause service to issue in this cause upon the Defendant and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:

1. Back wages;
2. Reinstatement or front pay in lieu of reinstatement;
3. Compensatory damages;
4. Punitive damages;
5. Pre-judgment and post judgment interest;
6. Lost Benefits;
7. Attorney fees and costs; and
8. Such other relief as the Court deems just and appropriate.

THIS the 26th day of June 2019.

Respectfully submitted,
LAZEDRICK PLUMMER, PLAINTIFF

By:



Louis H. Watson, Jr. (MB# 9053)
Nick Norris (MB# 101574)
Attorneys for Plaintiff

OF COUNSEL:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, Mississippi 39216
Telephone: (601) 968-0000
Facsimile: (601) 968-0010
Email: louis@watsonnorris.com
Email: nick@watsonnorris.com